

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

KYLE D. SCHNEIDER,

Plaintiff,

v.

CENTURION MEDICAL SERVICES,

Defendant.

CAUSE NO. 3:23-CV-201-DRL-MGG

OPINION AND ORDER

Kyle D. Schneider, a prisoner without a lawyer, filed a complaint alleging he was denied various types of medical treatment at the Miami Correctional Facility in September and October 2021. ECF 2. “A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). Nevertheless, under 28 U.S.C. § 1915A, the court must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

The only defendant named in the complaint is Centurion Medical Services, the private company contracted to provide medical care by the Indiana Department of Correction. A private company performing a state function can be held liable to the same extent as a municipal entity under *Monell v. Dep’t of Soc. Servs. of City of New York*, 436 U.S. 658 (1978). *Rice v. Corr. Med. Servs.*, 675 F.3d 650, 675 (7th Cir. 2012). “Corporate

liability exists “when execution of a [corporation’s] policy or custom . . . inflicts the injury.” *Calhoun v. Ramsey*, 408 F.3d 375, 379 (7th Cir. 2005). This complaint makes no mention of a policy or custom. It merely describes some of his interactions with individual Centurion employees. This complaint does not state a claim against Centurion Medical Services.

If Mr. Schneider believes he can state a claim based on (and consistent with) the events described in this complaint, he may file an amended complaint because “[t]he usual standard in civil cases is to allow defective pleadings to be corrected, especially in early stages, at least where amendment would not be futile.” *Abu-Shawish v. United States*, 898 F.3d 726, 738 (7th Cir. 2018). To file an amended complaint, he needs to write this cause number on a **Pro Se 14 (INND Rev. 2/20) Prisoner Complaint** form which is available from his prison law library. He needs to put this cause number on the form and write the word “Amended” on the first page above the title “Prisoner Complaint.”

For these reasons, the court:

(1) GRANTS Kyle D. Schneider until **May 22, 2023**, to file an amended complaint;
and

(2) CAUTIONS Kyle D. Schneider if he does not respond by the deadline, this case will be dismissed under 28 U.S.C. § 1915A without further notice because the current complaint does not state a claim for which relief can be granted.

SO ORDERED.

April 18, 2023

s/ Damon R. Leichty
Judge, United States District Court